

## **AMENDMENT TO THE DRAWINGS**

Figures 2, 5 and 7 – 9 have been amended to correct the objections in the Office Action.

## REMARKS

### **Correction to the Drawings**

The Office Action stated that the indicator lines regarding 10, 12, 14, 16, 100 were cross-hatched. The indicator lines have been redrawn as solid lines.

### **Rejection of the Claims**

Claims 1 – 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Patrick. The law is clear and well-settled that in order for a claim to be anticipated under the standard of 35 U.S.C. 102, every claimed element must be present in the prior art reference. The Court of Appeals for the Federal Circuit clearly stated that “[i]n deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 193 (Fed. Cir. 1984). The Court of Appeals for the Federal Circuit states that for anticipation under 35 U.S.C. 102, that “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Found. v. Genetech Inc.*, 18 USPQ 2d 1001 (Fed. Cir. 1991)

The Office Action stated that Patrick disclosed the limitation of colored streaks extending through the textured surface since “slight colored streaking throughout is inherent in extruded plastic materials due to material and mixing variations, and in fact is very difficult to eliminate particularly when virgin material is not used. See column 2 lines 55-58.” Patrick however does not disclose any colored streaking at all. Patrick does disclose using recycled milk and beverage containers. However, this mere statement is not sufficient to support the allegation that wood grain streaking is inherent in the use of such recycled containers. Additionally, claim 1 has been amended to add the limitation of a non-mechanical texture on the component. Patrick discloses mechanically embossing the material to create texturing. The limitations of the wood grain color streaking and the non mechanical texturing are clearly not disclosed or anticipated in any form by Patrick. Thus claims 1 – 9 are not anticipated by Patrick.

Claims 1 – 6, 29 – 34 were rejected under 35 USC 102(b) as anticipated by Heaps et al. Heaps discloses a thermoplastic sheet that has color streaking and texturing formed from mechanically stretching the plastic web to create a fibrous texture. Col. 4, lines 57 – 63. Claims 1 and 29 have been amended to add the limitation of a non mechanical textured surface. This limitation is not disclosed or suggested by Heaps et al. Thus claims 1 – 9 and 29 – 34 are allowable over the prior art.

The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

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